

REMARKS

Applicants have carefully reviewed the Application in light of the Official Action mailed January 26, 1999. Applicants amend Claims 72, 78, and 79 in order to further describe the inventive concept. Further, Applicants cancel Claim 77. Applicants respectfully request reconsideration and favorable action in this case.

Examiner Interview Summary

Applicants thank the Examiner for conducting a telephonic interview on March 25, 1999. During the interview, Applicants argued that the combination of U.S. Patent No. 5,359,528 issued to Haendel, et al. ("Haendel") and U.S. Patent No. 5,396,540 issued to Gooch ("Gooch") does not teach or suggest all of the limitations in Applicants' claims. The Examiner agreed with the Applicants and indicated he would withdraw the rejections and, assuming a search revealed no more relevant § 102(e) reference, allow the claims. The Examiner then requested that the Applicants submit this response.

Section 103 Rejections

The Examiner rejects Claims 38-79 under 35 U.S.C. § 103 as being unpatentable over *Haendel* in view of *Gooch*. Applicants traverse this rejection.

Independent claims 38, 45, and 51 each possess a limitation relating to initiating transmission of the position fixes and the odometer readings "based on a configurable condition." As described in the specification, a configurable condition may be, for example, "a predetermined reporting interval, a full memory buffer, a store and forward routine, or a minimum signal strength received from communications link 40." (page 10, line 34 - page 11, line 4; also see page 37, lines 26-32). Neither *Gooch* nor *Haendel*, however, teaches or suggests such a limitation. For at least these reasons, Applicants respectfully request the Examiner to withdraw the § 103 rejection of Claims 38, 45, 51, and their dependents.

Independent Claim 58 recites "determining a proportionate amount of the mileage traveled in the first and second taxing regions." Claim 65 recites "a processor ... operable to proportion a mileage traveled between the first and second position fixes to the first and second taxing regions." Claim 72 recites "a central controller ... operable to determine a proportionate amount of a mileage traveled by the vehicle in a first region associated with a first position fix and a second region associated with a second position fix." Neither *Gooch* nor *Haendel* teaches or suggests such a limitation. For at least these reasons, Applicants respectfully request the Examiner to withdraw the § 103 rejection of Claims 58, 65, 72, and their dependents.

Conclusions

Applicants have now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

No fees are believed due, however, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker & Botts, L.L.P.

Respectfully submitted,

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